

Planning Commission Date: January 24, 2007

Item No.

2

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report Prepared by: Cindy Maxwell

Public Hearing: Yes: X No:

Notices Mailed On: 1/12/2007 Published On: 1/11/2007 Posted On: 1/12/2007

TITLE: **APPROVE AMENDMENT TO SPECIAL CONDITIONS OF APPROVAL; STORMWATER CONNECTION FEE; PIERCEY TOYOTA; 950 THOMPSON ST.**

Permits: UA2007-1 and SA2007-2

Location: 950 Thompson Drive – Northeast quadrant of Great Mall Parkway and Interstate 880

APN: 086-05-026

RECOMMENDATION: **Close the public hearing. Approve the revision of special condition no. 50 relating to the calculation of storm water connection fees.**

Applicant(s): Piercey Automotive Group, 13600 Beach Blvd., Westminster, CA 92683, Attn: Tom Chadwell

Kai Giffin, PO Box 141, Gardena, CA 90248

John Kennec, RHL Designs, 1137 N. McDowell Blvd., Petaluma CA 94954

Property Owner(s): County of Santa Clara, Office of the County Executive, County Government Center, East Wing, 11th Floor, 70 West Hedding Street, San Jose, 95110, attn: Larry Klamecki

Previous Action(s): EIR, GPA, Rezoning, SZ2006-1 & UP2006-1

General Plan Designation: General Commercial

Present Zoning: General Commercial (C2-S)

Existing Land Use: Project under construction

Agenda Sent To: Applicant and Owners (as noted above)

Attachments: Site and Architecture Plans

PJ No. 3203

REQUESTED ACTION

Staff requests that special condition No. 50 be modified to reflect a storm water connection fee that is only for the ten acre Toyota project on property leased from Santa Clara County.

Currently, the special condition imposes a fee for the entire 16 acres owned by Santa Clara County and planned for commercial automotive sales. The future development projects on the remaining six acres will be obligated for their respective connection fees at the time they receive planning approvals.

Current Condition No. 50	Proposed Revision to Condition No. 50 (New text <i><u>bolded & underlined</u></i>)
<p>Utilities: The developer shall submit the following items with the building permit application and pay the related fees prior to final inspection (occupancy) by the Building Division: (E)</p> <p>a. Storm water connection fee of \$347,148 based on 16.1 acres @ \$21,562 per acre. The water, sewer and treatment plant fee will be calculated at the time building plan check submittal.</p> <p>b. Water Service Agreement(s) for water meter(s) and detector check(s).</p> <p>c. Sewer Needs Questionnaire and/or Industrial Waste Questionnaire.</p> <p>d. Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain the form(s).</p>	<p>Utilities: The developer shall submit the following items with the building permit application and pay the related fees prior to final inspection (occupancy) by the Building Division: (E)</p> <p>a. Storm water connection fee of <u>\$215,620</u> \$347,148-based on <u>leased area of ten (10)</u> 16.1 acres @ \$21,562 per acre. The water, sewer and treatment plant fee will be calculated at the time building plan check submittal.</p> <p>b. Water Service Agreement(s) for water meter(s) and detector check(s).</p> <p>c. Sewer Needs Questionnaire and/or Industrial Waste Questionnaire.</p> <p>d. Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain the form(s).</p>

BACKGROUND

Project Description: Toyota auto dealership on ten acres with a 70,000 square foot single story structure with a drive through service area and mezzanine level for parts storage. The building provides an auto showroom, offices and a 52-bay auto service facility.

Project Location: 10 acres located at the northeast quadrant of Great Mall Drive and Interstate 880. Address: 950 Thompson Street.

Recent Planning Actions: February & March, 2006 – ‘S’ Zone (SZ2006-1) & Use Permit (UP2006-1) approved with 62 Special Conditions.

Project Status: Grading and site improvements for the site are underway.

Required Planning Process: The Planning Commission may approve amendments to approved special conditions at a public hearing (Milpitas Municipal Code XI-10-42.10).

ANALYSIS

- The proposed revision to Special Condition No. 50 will more equitably apply the Storm Water Connection Fee to the Toyota project located on ten acres of the 16-acre site owned by Santa Clara County.
- Development on the remaining six acres of the site, will be obligated to pay the appropriate Storm Water Connection Fees at the time they are developed.

RECOMMENDATION

Close the public hearing. Approve the proposed revision to Special Condition No. 50, relating to the Storm water Connection Fee for the site approval (SA2007-2) and use permit (UA2007-1) for the Piercey Toyota project at 950 Thompson Street.

